

REMARKS

In the Office Action mailed January 9, 2008, the Examiner noted that claims 1-6 and 9-11 were pending and rejected claims 1-6 and 9-11. Claims 1 and 4 have been amended, no claims have been canceled, new claim 12 has been added; and, thus, in view of the foregoing claims 1-6 and 9-12 remain pending for reconsideration which is requested. No new matter is believed to have been added. The Examiner's rejections are respectfully traversed below.

Rejection under 35 U.S.C. § 112

The Office Action, on page 2, rejected claims 1, 2, 4 and 11 under 35 U.S.C. § 112, second paragraph. Particularly, the Office Action asserted that the recitation "asking **whether to require** the pass/fail information" in claim 1, for example, is unclear. Claims 1 and 4, as amended, recite "whether the examinee requires to receive the pass/fail information". Therefore, claims 1, 2, 4, and 11 satisfy the requirements under the 35 U.S.C. § 112, second paragraph. Accordingly, withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. § 103

The Office Action, on page 3, rejected claims 1, 2, 4-6 and 9-11 under 35 U.S.C. § 103(a) as being unpatentable over Toshiya et al. (Japanese Publication No. 2001-273375, hereinafter "Toshiya") in view of Sherer et al. (U.S. Patent No. 5,875,175, hereinafter "Sherer").

Toshiya is related to a transmission/reception system and a method for passing status information in response to an inquiry from a user (see Toshiya, Abstract). The Office Action, on page 4, acknowledged that Toshiya is silent as to the order in which the exam results are transmitted and relies upon Sherer to disclose such a feature.

However, it is submitted that Sherer fails to disclose the feature of "determining, based on a **time period** *from the transmission of the inquiry to the reception of the response* corresponding to the examinee ID, a transmission order in which a pass/fail information address in the network at which the pass/fail information is located is transmitted to the examinee terminal" as recited in claim 1.

Rather, Sherer is directed to a network transmitter that schedules packets so that the packets are transmitted to a host or group of hosts so as not to overload any particular network (see Sherer, Abstract). Specifically, Sherer describes that packets of data are assembled by a host processor and placed in a queue in a shared system memory (see Sherer, col. 2, lines 60-62). As a result, when a connection is available, the packets are downloaded by an adaptor

from the memory and transmitted over the network in a first-in/first-out (FIFO) order, with the first packet placed in the system memory by the host processor being transmitted first by the adaptor (see Sherer, col. 2, line 66 to col. 3, line 3). Stated another way, Sherer describes that packets are transmitted in a FIFO order with the first packet placed in the memory by the host computer being transmitted first.

In contrast, claim 1 "determin[es] ... a transmission order" based on "a time period from transmission of the inquiry to the reception of the response corresponding to the examinee ID". Sherer only describes that packets are transmitted in a FIFO basis of the packets placed in the queue but not on the basis of "**a time period from transmission of the inquiry to the reception of the response**" as required by claim 1 to determine ... a transmission order. Further, according to Sherer, the adapter transmits based on the order in which the host placed the packets in the queue rather than determining a transmission order "based on a **time period from transmission of the inquiry to the reception of the response**" as required by claim 1.

Therefore, in view of the foregoing, Sherer fails to cure the deficiencies of Toshiya because Sherer fails teach or suggest the above-quoted feature in claim 1. Thus, it is submitted that claim 1 is patentable over Toshiya and Sherer, taken alone or in combination.

Claims 4, 5 and 9 emphasize a similar feature as recited in claim 1. Therefore, claims 4, 5 and 9 are patentable over Toshiya and Sherer.

Further, the dependent claims 2, 6, 10 and 11 are patentable over Toshiya and Sherer for at least the same reasons as their respective base claims, from which they depend.

The Office Action, on page 5, rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Toshiya.

Toshiya is related to a transmission/reception system and a method for passing status information in response to an inquiry from a user (see Toshiya, Abstract). According to paragraph [0023] of Toshiya, when it is determined that both the name inputted into a success-or-failure information database and an examinee's number exists, a result is returned to a user. Specifically, Toshiya describes in paragraph [0023] that files for successful candidates (html files) are transmitted to a user terminal. It appears that the Examiner misinterprets paragraph [0023] as transmitting multiple results of candidates to a single user. The Examiner is respectfully requested to view the paragraph as a whole. When reading paragraph [0023] of Toshiya in its entirety, a person having ordinary skill in the art would clearly understand that an html file for a single successful or non-successful examinee is transmitted to the examinee.

Claim 3, in contrast, "transmit[s] ... examinee ID numbers of a plurality of passing examinees around the particular examinee". Toshiya does not teach or suggest the above-quoted feature recited in claim 3 because Toshiya transmits an html file of a successful or non-successful candidate to the examinee, whereas claim 3 transmits ... examinee ID numbers. Further, Toshiya describes transmitting the html file of a single examiner to the examinee whereas claim 3 transmits ... *examinee ID numbers* of a plurality of passing examinees "*around the particular examinee*".

Therefore, in view of the foregoing, Toshiya fails to disclose or suggest the above-quoted feature recited in claim 3. Thus, it is submitted that claim 3 is patentable over Toshiya.

Accordingly, withdrawal of the rejection is respectfully requested.

New Claim

New claim 12 has been added to emphasize the feature of "determining a transmission order to send test result information to exam takers based on a total time from when the message was transmitted to the exam taker to when the response was received at the server" (claim 12, lines 6-8), which is supported by at least one of the embodiments of the invention at page 9, lines 25-36 of the application. It is submitted that the cited references, taken alone or in combination, do not teach or suggest at least the above-quoted feature recited in claim 12. Therefore, it is submitted that claim 12 is patentable over the cited references.

Summary

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: /Sheetal S. Patel/
Sheetal S. Patel
Registration No. 59,326

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501